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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/062,969

04/21/1998

HENRY ADAM PASTERNAK

PASTERNAK1-

3699

626

7590

02/17/2004

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CANADA

EXAMINER

YAO, KWANG BIN

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 02/17/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/062,969

Applicant(s)

PASTERNAK ET AL.

Examiner

Kwang B. Yao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/12/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 10-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-8, 10-17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Specification***

2. The disclosure is objected to because of the following informalities: Page 1, the related US patent Application numbers are missing.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15, line 11, it is not clear what "the invention" refers to; "the invention" lacks antecedent basis.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8, 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu et al. (US 5,610,910) in view of Gerszberg et al. (US 6,044,403).

Focsaneanu et al. discloses a communication network comprising the following features: in Fig. 8, regarding claims 1, a server (234) for handling information which is in different modal forms suitable for more than one mode of user interface, the server comprising: an internet interface (258) for supporting one or more connections on the internet; a terminal interface (238) for supporting one or more connections from the server to user terminals, at least one terminal (DATA terminal) being a multi-modal user terminal, and for passing information in at least one of the modal forms; and a service controller (246) being operable to interact with user terminals for controlling input or output of the information on the terminal interface (238) and the internet interface (258), and for processing the information received from or sent to either interface, according to the modal form of the input and output. See column 7-8.

Regarding claim 2, Focsaneanu et al. discloses the following features: in Fig. 8, the service controller (246) being operable with a multi-modal user terminal to select which modal form or forms to use. See column 7-8, column 13, lines 22-31.

Regarding claim 3, Focsaneanu et al. discloses the following features: in Fig. 8, the service controller (246) being arranged to select which modal form or forms to use-according to the content of the information, and the context of the interaction. See column 7-8, column 13, lines 22-31.

Regarding claim 4, Focsaneanu et al. discloses the following features: the service controller (246) being operable to receive inputs in different modal forms simultaneously from

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the same user to resolve any conflicts, and determine an intention of the user based on the inputs.

See column 7-8, column 12, lines 38-50.

Regarding claim 5, Focsaneanu et al. discloses the following features: the terminal interface (238) being arranged to recognize speech as an input. See column 7-8.

Regarding claim 6, Focsaneanu et al. discloses the following features: the terminal interface (238) being arranged to generate audio as an output mode. See column 7-8.

Regarding claim 7, Focsaneanu et al. discloses the following features: the service controller (240) being arranged to conduct a dialogue with the user in the form of a sequence of interactions. See column 7-8.

Regarding claim 8, Focsaneanu et al. discloses the following features: means for initiating a connection to the user's terminal. See column 7-8.

Regarding claim 9, Focsaneanu et al. discloses the following features: means for initiating a connection to the user's terminal. See column 7-8.

Regarding claim 10, Focsaneanu et al. discloses the following features: further comprising a link to a telephone network, and a call processor for making and receiving telephone calls on the telephone network. See column 7-8.

Regarding claim 11, Focsaneanu et al. discloses the following features: comprising a set of servlets arranged to communicate with each other by event driven messages. See column 7-8.

However, Focsaneanu et al. discloses only two modal forms, which is audio and visual (column 2, lines 37-39); and does not disclose the tactile modal form. Gerszberg et al. discloses a network server platform for Internet, Java server and video application server comprising the following features: providing multi-modal user interfaces (Fig. 1, 12) capable of supporting input

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and output in one or more of audio (Fig. 1, 15, 16), visual and tactile modal forms (Fig. 1, 130); and passing information in audio, visual and tactile form. See column 6-10. It would have been obvious to one of the ordinary skill in the art at the time invention to modify the network of Focsaneanu et al., by using the features, as taught by Gerszberg et al., in order to improve the capabilities of the customer premises equipment and lowering overall system costs to the customer by providing competitive service alternatives. See Gerszberg et al., column 2, lines 32-34.

Claims 12-17 disclose the similar limitations as claims 1-8, 10 and 11; thereby claims 12-17 are rejected by the same reason stated above.

### ***Conclusion***

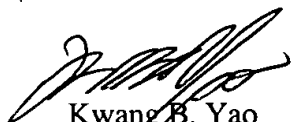
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is 703-308-7583. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H Pham can be reached on 703-305-4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KWANG BIN YAO  
PRIMARY EXAMINER



Kwang B. Yao  
Feb 11, 2004